

Notice of Allowability

Application No.

09/560,205

Examiner

Robert L. Nasser

Applicant(s)

BOESEN, M.D., PETER V.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 9/24/2004.
2. ☒ The allowed claim(s) is/are 1-4, 7, 35 (renumbered 1-6).
3. ☒ The drawings filed on 28 April 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey Harty on September 24, 2004.

The application has been amended as follows:

Claim 1 has been rewritten as follows: -- Claim 1. A new wireless device for monitoring one of a plurality of physiological pressures associated with a patient, the device comprising:

a housing for protecting the device, the housing having a first planar surface adapted for placement on a patient;

at least one pressure transducer integral with the housing and adapted for placement on the patient, the at least one pressure transducer providing an output signal;

a transmitter in operative communication with the at least one pressure transducer and operatively attached to the housing, the transmitter adapted to broadcast a signal which is modulated by the output of the at least one pressure transducer; and

a display secured to the housing and operatively connected to the at least one pressure transducer for displaying a representation of the output from the at least one pressure transducer, the display adapted for placement on the patient, a memory

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disposed within the housing and operatively connected to the at least one pressure transducer for storing an audio representation of the output signal;

wherein the at least one pressure transducer includes a bell portion and a diaphragm portion disposed along said first surface, and the device includes a switch for selecting either an output of the bell or the diaphragm as the output signal. –

Claim 4 has been rewritten as follows: -- Claim 4. The device of claim 1, further comprising:

a temperature sensor, wherein the switch selects the output of the bell portion, the output of the diaphragm portion, or an output of the temperature sensor as the output signal, and wherein the display is further adapted to display a representation of the output from the temperature sensor. –

Claims 5-6 have been canceled.

Claim 7 has been rewritten as follows: -- Claim 7. The device of claim 1, further comprising:

a pulse sensing transducer, wherein the switch selects the output of the bell portion, the output of the diaphragm portion, or an output of the pulse sensing transducer as the output signal, and wherein the display is further adapted to display a representation of the output from the pulse sensing transducer. –

Claims 10-17 and 32-34 have been canceled.

Claim 1 was amended for the following reasons: During an interview on 9/24/2004, the applicant, Dr. Boessen, pointed out that the current device had, in the disclosure a bell and a diaphragm sensor in the same plane, and a means to toggle between the two sensors, to allow one of the outputs to modulate the transmitter output. Dr. Boessen admitted and a prior art search confirmed (see for example, 6510918 to Bates) that having a bell and a diaphragm on opposite sides of a stethoscope is known, but none of the art showed both devices in the same plane, which allows switching between the two transducers without moving the device. As such, claim 1 was amended to define that the device had both a diaphragm and a bell in the same plane and a switch to select between the two. This defined over the art of record. The closest art was Packard et al 5931792, which had both a bell and diaphragm on the same side of the device, but they were not planar.

The examiner notes that a few limitations were dropped from claim 1 as being superfluous.

Claims 4 and 7 were amended to correct antecedent basis problems introduced by the changes to claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert L. Nasser whose telephone number is (703) 308-3251. The examiner can normally be reached on Mon-Fri, variable hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (703) 308-3130. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RLN
September 24, 2004

Robert L. Nasser
Primary Examiner
Art Unit 3736



ROBERT L. NASSER
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